

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**FIFTH GENERATION COMPUTER
CORPORATION,**

Plaintiff,

v.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION,**

Defendant.

Case No. 1:09-cv-2439 (JSR)

**NOTICE OF APPEAL
BY FIFTH GENERATION
COMPUTER CORPORATION**

NOTICE OF APPEAL

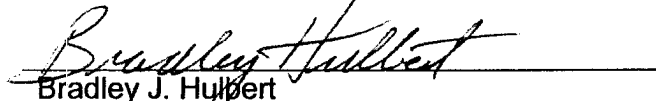
Notice is hereby given that Fifth Generation Computer Corporation in the above captioned case hereby appeals to the United States Court of Appeals for the Federal Circuit from the Clerk's JUDGMENT, Docket No. 40, entered by the District Court on January 7, 2010 (which entered judgment in favor of defendant), and from all prior orders that produced the Clerk's JUDGMENT, including, without limitation, each of the following:

Docket No. 39: Opinion and Order dated January 5, 2010 and entered by the District Court on January 6, 2010, which directed the Clerk of Court to Enter final judgment in favor of defendant; and

Docket No. 28: Order dated August 31, 2009 and entered by the District Court on September 1, 2009, which construed the disputed terms.

Dated: February 3, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bradley J. Hulbert", is written over a horizontal line.

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